

## UNITED STATES DISTRICT COURT

MAR 17 2015

for the

Southern District of Texas

David J. Bradley, Clerk of Court

United States of America )

v. )

Case No. C-15-310M

Jeffery Adrian RICHARD )

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/16/2015 in the county of Brooks in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

841 (a) (1)

knowingly, intentionally and  
unlawfully possess with intent to  
distribute a controlled substance in  
Schedule I of the Controlled Substance  
Act of 1970 to wit; (1) 0.98 kilograms  
of cocaine (agw) and (2) 120.6  
kilograms of marijuana (agw)

This criminal complaint is based on these facts:

See attached Affidavit in Support of Criminal Complaint.

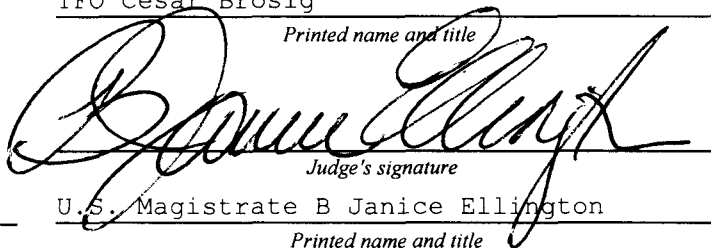
☒ Continued on the attached sheet.  
Complainant's signature

TFO Cesar Brosig

Printed name and title

Sworn to before me and signed in my presence.

Date:

March 17, 2015  
Judge's signatureCity and state: Corpus Christi, Texas

U.S. Magistrate B Janice Ellington

Printed name and title

ATTACHMENT A

**Jeffery Adrian RICHARD**

On March 16, 2015, Border Patrol Agent Jeremy Carther was assigned immigration inspection duties at the United States Border Patrol Checkpoint, located 13 miles south of Falfurrias, Texas on Highway 281. At approximately 0200 hours, a tractor trailer approached the primary inspection lane for an immigration inspection of its passengers. As the vehicle approached BPA Carther's location, BPA Gather asked the driver, later identified as Jeffrey Adrian RICHARD if he was a U.S. Citizen and he stated "Yes". BPA Carther noticed that RICHARD was slightly nervous when responding to my immigration question as he had problems making eye contact with BPA Carther. BPA Carther asked RICHARD if he had anyone else in the tractor and RICHARD stated "No". BPA Carther asked for consent to step inside of the vehicle to check the rear of the cabin to verify if anyone else was there. BPA Carther shined his flashlight inside of the rear cab and did not observe anyone else in the cabin.

During BPA Carther immigration inspection, Border Patrol Agent Juan Ramirez utilized his service issued canine, Besy (090809) to conduct a non-intrusive, free air sniff of the exterior of the vehicle. Agent Ramirez advised me that Besy was alerting to the small, driver's side compartment door on the cabin of the tractor. Ramirez inquired if he could open the small compartment door. BPA Carther asked RICHARD for consent to open the exterior door. RICHARD advised BPA Carther that he could not open the door and did not have a key to open the door as he proceeded to show BPA Carther his key ring. Given the canine alert, Agent Ramirez asked me to send the vehicle to the secondary inspection area for further inspection. BPA Carther then directed RICHARD to the secondary inspection area.

At secondary, Agent Ramirez and his canine conducted a systematic search of the tractor. Once inside the tractor, Agent Ramirez informed me that his canine had indicated to a black suitcase located underneath the sleeping bed of the cabin. Agent Ramirez opened the suitcase and noticed several large black duffle bags stuffed inside along with some small personal items. As Agent Ramirez conducted his investigation, he noticed articles of clothing stored all around the cabin. Agent Ramirez quickly realized that RICHARD'S clothing had been removed from the suitcase in order to store and conceal the large black duffle bags inside his personal suitcase.

Given Agent Ramirez's experience, it was apparent to him that bundles could have been stored in the black duffle bags at some point and possibly removed and concealed to avoid detection. Knowing that narcotics could be stored somewhere in the cabin, Agent Ramirez lifted the bed and noticed sheet metal underneath the bed with a few tampered screws. The side compartments were also covered in sheet metal, but were held together with rivets. Agent Ramirez looked underneath the cabin bed and through a small opening, he was able to identify several bundles wrapped in black tape. Agent Ramirez probed one of the bundles revealing a green, leafy substance with a strong odor and consistency of marijuana.

Further inspection revealed thirteen bundles weighing 268.57 lbs hidden in both the driver and passenger side storage compartment of the cabin.

A search incident to an arrest was performed for inventory purposes and a loaded 9mm Taurus hand gun along with a loaded magazine was found stored away on the side compartment of the cabin where one bundle was located. A second loaded magazine was found in RICHARD'S black suitcase. Both magazines contained a total of thirty 9mm rounds. Checks were run on the weapon and the handgun was shown to be registered to RICHARD.

At 0225 hours, Agent Akinniyi Akinropo read RICHARD his Miranda Warning Rights in his preferred language of English. BPA Carther witnessed the reading and signing of the form. RICHARD signed the form accordingly and initialed the appropriate area of the form indicating that he understood his rights. RICHARD proceeded to sign and was willing to give a statement, however recanted and refused to give a statement. No further questions were asked.

RICHARD advised that he did not want to speak to anyone or give a statement, therefore invoking his 5th amendment right.

On March 16, 2015 TFO Brosig and TFO Ramirez responded to the Falfurrias Border Patrol Checkpoint. TFO Brosig as witnessed by TFO Ramirez read RICHARD, Jeffery hid Miranda warnings. RICHARD, Jeffery advised TFO Brosig as witnessed by TFO Ramirez that he understood his rights and was willing to answer questions in regards to his arrest. I asked RICHARD, Jeffery what had happened and why was he in our presence. RICHARD, Jeffery stated that Last night he was in his parked rig in the area of possibly El dorado road and HWY 281 in Edinburg Texas. RICHARD, Jeffery stated that he was texting his friend around

midnight. RICHARD stated that he felt the truck move and thought that it was just the wind. RICHARD then felt the truck move again and he looked out of the passenger window and did not see anything. RICHARD then looked out the driver window and did not see anything. RICHARD exited his rig and looked under the trailer and was unable to see any feet. RICHARD then went to the back of the rig to see if the pad lock to the door was still secure and it was. RICHARD then began to walk back around to the passenger side of the rig. RICHARD saw a Hispanic male pointing a gun at him and who told him "put your fucking hands up and turn around". RICHARD described this person as being about his height but a little wider than him. RICHARD was then ordered to walk toward the back of the rig and told to get down on his knees. RICHARD stated that he complied. The male then asked RICHARD where his driver's license was. RICHARD told the male subject that it was in his right pocket in his wallet. RICHARD stated that he took his license out of his wallet and that the male took a photo of it. RICHARD then stated that the male made a phone call and began to speak in Spanish. RICHARD said to that he told the male to just take his truck and that it was not worth his life. RICHARD stated that the male then told him to do what he said and he would not get killed. RICHARD stated that he responded with "no problema". RICHARD stated that approximately 3 to 4 minutes later a car drove up and he heard three doors slam. RICHARD stated that at this time he was facing the catwalk on the rig and could not see anything. He then stated that someone pulled on the side cabinet door. The male then asked where the key was for the door and RICHARD replied that it was on the key ring inside the truck. RICHARD stated that as he heard movements the original male stayed with him pointing the gun at him. RICHARD stated that he was then given directions to get on 281 and drive north. He was told that they would flag him down at an unknown location. I then asked RICHARD what he was doing in the area. RICHARD stated that he had been in the area since Thursday waiting for a call for work. I then asked RICHARD if it was worth leaving his residence in Dallas and just staying down here to "wait" for a call for work. RICHARD stated that he had left Thursday because he had been involved in an argument with his girlfriend. When asked for the name of his girlfriend RICHARD stated that he did not wish to give that information. RICHARD was then asked again if it was worth making these trips if he would possibly not get a call. RICHARD stated that he knew he would get a call. RICHARD then stated that he would make stops while going south to pick up pallets to sell. RICHARD stated that when he gets to McCallen he sells the pallet and it's enough to at least pay for the gas. I then asked if he saw what was being loaded up.

RICHARD stated that he saw black bundles being moved. I then asked if he saw any of the subjects loading the truck. RICHARD then stated that he saw a foot of a person. RICHARD stated that the shoe size looked to be a 5 or 10 possibly of a small person. RICHARD also stated that this person was a little on the cocky side. I then asked RICHARD to describe the gun pointed at him. RICHARD stated it was a black revolver possibly having a three inch barrel. I asked RICHARD how long it took the subjects to load the truck and he said that it was approximately 5 minutes. I then asked RICHARD if the truck he was in belonged to him. He stated that at one time it did but that he sold it to his current employers at LD Walker and Jones. I asked RICHARD if he knew where the bundles had been recovered from and he stated that from the side cabinet door. I informed RICHARD that border patrol had found a sheet underneath his bed in the sleeper area that had signs of screws being tampered with. I asked RICHARD how long he has been in possession of the truck and if he had any work done to it. RICHARD stated that he's had it for two years and has not had work done to it. I then told RICHARD that his story was not adding up. RICHARD stated well it's not adding up, I don't know what to tell you. I told RICHARD that considering his trips it would be very likely he may have to spend more money than he makes. When searching the rig Border Patrol had located a .9mm pistol. I told RICHARD that if I was in his shoes I would have taken my gun if there was suspicious activity going on with his rig. RICHARD stated that he did not think of getting the gun and that he does not really like guns. I then asked RICHARD that once he was out of the area, why he had not called 911. RICHARD stated because of the fact that a picture was taken of his license with his address on it. I informed RICHARD that his license had a PO Box address on it and not a physical address. RICHARD stated that he knows that his physical address can be located with that PO Box. RICHARD was then asked why did he not tell border patrol what had happened when he made contact with him and he stated that he should have. RICHARD was becoming upset and saying that we were calling him a liar and did not believe his pallet story. RICHARD was then told of how he could help himself out in this case. RICHARD was told that if he wanted to speak with us again in the presence of his attorney that it could be set up. RICHARD then stated "I'll tell you this Jose Pedro". I informed RICHARD that later he could tell us more in the presence of his attorney. RICHARD agreed and the interview was terminated.

AUSA Ken Cusick authorized federal prosecution on RICHARD. RICHARD was transported to the Coastal Bend Detention Center for overnight detention.

The amount of cocaine and marijuana seized infer intent to distribute.